

Notice of Allowability

Application No.

10/647,888

Examiner

Patricia Hightower

Applicant(s)

BRUNELLE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 26, 2003.
2. ☒ The allowed claim(s) is/are 1-73.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/26/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance:

The instantly claimed ***copolyetherimide having a Tg of at least about 218°C comprising the structural formulas (I) and (II), wherein the weight ratio of units of formula (I) to those of formula (II) being in the range of about 99.9:0.1 and about 25:75; a copolyetherimide having a Tg of at least 218°C comprising structural units of the formulas (XXIV) and (XXV), wherein the weight ratio of units of formula (XXIV) to those of formula (XXV) being in the range of between about 99:1 and about 25:75, a copolyetherimide having a Tg of at least 218°C comprising structural units of the formulas (XXIV), (XXV) and (XXVII), wherein the weight ratio of units of formula (XXIV) to those of formula (XXV) being in the range of between about 99:1 and about 25:75, a copolyetherimide having a Tg of at least 218°C comprising structural units of the formulas (I) and (III) and wherein the weight ratio of units of formula I to those of formula (III) is in the range of between about 99.9:0.1 and about 10:90, a copolyetherimide having a Tg of 218°C comprising the structural units of the formulas (XXIV) and (XXVII) wherein the weight ratio of the units of formula (XXIV) to formula (XXVII) being in the range of between about 99:1 and about 25:75, a copolyetherimide having a Tg of 218°C comprising structural units of the formulas (I) and (VIII) having a weight average molecular weight as determined by gel permeation chromatography relative to polystyrene standards in the range of between about 30,000 and about 80,000 with a polydispersity in a range of between 2.4 and***

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about 2.8; said copolyetherimides are allowable in view of the evaluation of the totality of the facts and evidence of record, in particular the comparative data in the specification (Tables 1 & 2 and the examples) that demonstrates unexpected results of the instantly claimed copolyetherimides exhibiting such properties as high melt flow, high heat resistance and good ductility as a result of the claimed copolyetherimides having present therein phthalimide structural units comprising both 3- and 4-linkages (refer to the isomeric position on the phthalimide ring in the totality of phthalimide comprising structural units in the copolymer) as compared to commercially available polyetherimides prepared from similar reactants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are cited to show the state of the polyetherimides; Khouri, Odle, Brunelle, Chan, Schmidhauser, Hay, Cooper, Hayes, Peters, Fyvie and Vora.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (571) 272-1073. The examiner can normally be reached on M-F from 9:30 A.M. - 6:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Hampton Hightower
Primary Examiner
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P. Hightower:ph
September 28, 2004